

*SC NAACP v. Alexander,*  
D.S.C. Case No. 3:21-cv-03302-MGL-TJH-RMG

# **Exhibit 46**

1  
2 UNITED STATES DISTRICT COURT  
3 DISTRICT OF SOUTH CAROLINA  
4 CHARLESTON DIVISION  
5 THE SOUTH CAROLINA STATE CONFERENCE OF THE  
6 NAACP, et al.,

7 Plaintiffs,

8 vs. CASE NO. 3:21-CV-03302-JMC-TJH-RMG

9 THOMAS C. ALEXANDER, et al.,

10 Defendants.

11 VIDEOCONFERENCE

12 DEPOSITION OF: CHRIS MURPHY  
13 (Attending by VTC)

14 DATE: June 23, 2022

15 TIME: 10:09 a.m.

16 LOCATION: Law Offices of  
17 NEXSEN PRUET, LLC  
18 205 King Street  
19 Suite400  
20 Charleston, South Carolina  
21  
22 TAKEN BY: Counsel for the Plaintiff  
23 REPORTED BY: JULIE L. BONOMO  
24 (Attending by VTC)  
25

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1       were in this case. You mentioned the deadline.  
2       You mentioned the significance of the legislation.  
3       Is there anything else that, in your mind, turned  
4       this into an extraordinary circumstance?

5             A.     Well, the fact that I had COVID, and I  
6       wasn't going to go up to Columbia to chair a  
7       meeting when I was suffering from a fever and other  
8       effects of COVID and risk putting -- I mean, other  
9       members contract COVID based on my being there at  
10      the meeting was the underlying -- I guess, the  
11      major extraordinary circumstance to this, so this  
12      was not a relative run -- run-of-the-mill piece of  
13      legislation. If -- if this had not been  
14      congressional redistricting, the meeting would have  
15      been cancelled until I could attend.

16            Q.     In your time on the judiciary  
17      committee, have there been other instances where  
18      you or the chairman, whoever that was, was unable  
19      to attend?

20            A.     Not that I can recall.

21            Q.     Okay. I'm going to --

22            A.     This was -- go ahead. I'm sorry.

23            Q.     No. No, please.

24            A.     I'm done.

25            Q.     Okay.

1           A.     It would have been -- Rule 14 would  
2     have been adopted when we came back to the House  
3     after reorganization, so that would have been -- I  
4     don't know -- the election was 2020, so it would  
5     have been during 2021. You adopt new rules at the  
6     beginning of every new session.

7           Q.     And were you present for the  
8     discussions about adopting Rule 14?

9           A.     Yes. We would have adopted them at the  
10    first meeting of the House judiciary committee in  
11    June -- or excuse me, January of 2021.

12          Q.     And at that meeting, when Rule 14 was  
13    eventually adopted, did anyone bring up the  
14    significance of a piece of legislation as being  
15    part of the extraordinary circumstances evaluation?

16                 MR. MOORE: Objection as to the form.

17                 THE WITNESS: I -- I can't remember if  
18    it -- what discussions were made. This rule was  
19    not adopted as a stand-alone rule. It was -- it  
20    was adopted as part of our -- all of our rules that  
21    we were going to operate under for the coming  
22    two-year session.

23                 BY MR. HIRSCHER:

24                 Q.     Why did you choose Representative  
25    Newton?

1           A.     Weston is the chair of the subcommittee  
2     -- of the constitutional law subcommittee, which is  
3     considered, in the hierarchy of the House judiciary  
4     subcommittees, as the most important committee. He  
5     deals with very complex legislation. Weston is --  
6     is a very bright attorney, a very experienced  
7     attorney. Weston is also the only other chairman  
8     of a standing committee. He chairs the legislative  
9     oversight committee, which -- he's been chair of  
10    that for, I would say, since -- well, since its  
11    inception, at least four years. He's chaired a lot  
12    of meetings with a lot of complex issues. He was  
13    the most qualified person to chair this meeting  
14    regarding the Congressional li- -- redistricting  
15    plan.

16           Q.     Who's the vice chair of the judiciary  
17    committee?

18           A.     The vice chair of the committee is  
19    John R. King.

20           Q.     And did you have concerns that  
21    Representative King would not have been up to the  
22    task of presiding over this meeting?

23           MR. MOORE:   Objection as to the form.

24           THE WITNESS:   Representative King is --  
25    is a nonlawyer. The vice chair position is -- to

1 THE WITNESS: I -- I never said I  
2 didn't trust Representative King. I said under  
3 these extraordinary circumstances, that Weston  
4 Newton, based on his vast experience and knowledge  
5 of our rules and the fact that he has chaired other  
6 full committee meetings, was best qualified for  
7 this particular piece of le- -- legislation, but  
8 don't -- I never said I didn't trust John R. King.  
9 John R. King is a friend of mine.

10 Q. Prior to this congressional  
11 redistricting cycle, did Representative Newton have  
12 any redistricting experience?

13 A. No. Weston came in after -- I think  
14 the -- I was elected in 2012, and I believe Weston  
15 Newton was elected in 20- -- no, I was elected in  
16 2010. Weston Newton was elected in 2012.

17 Q. Okay.

18 MR. HIRSCHER: I want to introduce one  
19 more exhibit, but I want to offer to take a break.  
20 We've been going for a little over an hour. It's  
21 up to you all.

22 MR. MOORE: A short break is fine.

23 MR. HIRSCHER: Okay. Five minutes?

24 THE WITNESS: That's fine with me.

25 MR. HIRSCHER: Okay. Let's go off the

1 Q. Do you know who else -- or rather, do  
2 you know who would have known that the ad hoc  
3 committee was creating a second new plan --

4 MR. MOORE: Objection as to the form.

5 MR. HIRSCHL: -- prior to its posting  
6 online?

7 MR. MOORE: Objection as to the form.

8 THE WITNESS: I would think that would  
9 be a question for Chairman Jordan.

10 BY MR. HIRSCHL:

11 Q. So you don't have any insight into who  
12 knew about the new plan before it was posted?

13 A. No. Again, I was not part of the ad  
14 hoc committee process.

15 Q. Okay. Are you aware that this plan was  
16 released on December 23rd, 2021?

17 A. No.

18 Q. Are you aware that the hearing on this  
19 plan was scheduled for December 29th, 2021?

20 A. I remember that they were having a  
21 hearing on December 29th because that's -- I was  
22 flying out to Las Vegas.

23 Q. December 29th is two days before New  
24 Year's, right?

25 A. Yeah. Yes, sir.

1 Q. And do -- to your knowledge, do many  
2 people in South Carolina travel during that time of  
3 year?

4 MR. MOORE: Objection as to form.

5 THE WITNESS: I don't know who travels  
6 or where they travel or what they do.

7 BY MR. HIRSCHER:

8 Q. Is school out in your district on  
9 December 29th?

10 A. Yes. That's part of the Christmas  
11 break.

12 Q. Do you think that might make it more  
13 complicated for folks to attend a hearing on a  
14 draft map?

15 A. Well, I mean, they could either attend  
16 the meeting in-person, or they could have viewed it  
17 online.

18 Q. So it would or would not be more  
19 difficult for them to attend a hearing on  
20 December 29th as opposed to...

21 A. It's difficult on a -- on a regular day  
22 to drive to Columbia.

23 Q. When you first saw this second plan,  
24 what was your reaction to it?

25 A. I didn't really have -- have a reaction